

The Honorable John Koeltl
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007
koeltnysdchambers@nysd.uscourts.gov
Via e-mail and pro se electronic filing

Re: Case No.: Case No.: 1:23-cv-05875-JGK
Case No.: 1:23-cv-06881-JGK
Sweigert v Goodman et al

October 18, 2023

Dear Judge Koeltl,

Pursuant to your individual rules of practice, I write to respectfully request an extension of time to respond to the Amended Complaint. There have been no previous requests for adjournment or extension. An email was sent to Plaintiff on October 17, 2023, at 11:38am Eastern Time, alerting him that this request would be made on October 18, 2023. Plaintiff has been uncooperative, declining multiple requests for a response regarding consent. Plaintiff has provided no reason for refusing to consent, (**EXHIBIT A**). This case has just begun, so the requested extension will not affect any existing case schedule.

On October 12, 2023, the Court issued an Order (Dkt. 23/36) which determined “*plaintiff has met the requirement for effecting service through alternative means pursuant to the New York State Statute.*” At approximately 8pm on October 12, 2023, I received an email including the Order and plaintiff David George Sweigert’s Amended Complaint.

On October 16, 2023, Plaintiff Sweigert was served with a safe harbor notification of a pending Rule 11 motion for sanctions against him should he fail to cure identified defects. In the interest of judicial efficiency, and because curing identified defects could dispose of one or more of the claims in the Amended Complaint, I respectfully seek an extension of time to respond.

Sweigert has been involved in nearly two dozen legal actions against me over the past seven years. We each know the circumstances of these interactions well. There is ample opportunity between the parties to resolve the defects described or otherwise refine the Amended Complaint within the twenty-one days allotted by the safe harbor notification.

Should Mr. Sweigert choose to ignore the safe harbor notification or otherwise fail to cure the defects identified in the motion for sanctions pursuant to FRCP Rule 11, it will become important for the Court to have sufficient time to make its own determination about the defects identified in the Rule 11 motion. This extension is needed to allow a reasonable amount of time for both Plaintiff Sweigert and the Court to address the concerns cited, while still preserving enough time to respond should a rectified Amended Complaint emerge.

To the best of my knowledge, the time to respond began to toll on October 12, 2023, when I was served with the Court's Order and the Amended Complaint. I respectfully request an extension of 30 days from the time Plaintiff Sweigert files a Second Amended Complaint or otherwise cures defects identified in the Safe Harbor Notice of Motion for Sanctions Pursuant to Rule 11. In the alternative, should Plaintiff fail to cure the defects identified, and in the event the Court may issue an Order denying the Motion for Rule 11 Sanctions, I respectfully request an extension of 30 days from the time of any such Order. Due to the high likelihood that curing defects could dispose of one or more claims in the complaint, this extension is being requested to maximize judicial efficiency rather than clog the Court's docket with unnecessary responses.

Respectfully submitted,



Jason Goodman

EXHIBIT A

DS

From: Spoliation Notice spoliation-notice@mailbox.org
Subject: Re: URGENT This is your 21 day safe harbor notification a motion for sanctions pursuant to FRCP Rule 11 may be filed against you
Date: October 18, 2023 at 8:17PM
To: Jason Goodman truth@crowdsourcethetruth.org
Cc: spoliation@posteo.net, Spoliation Notice spoliation-notice@mailbox.org

Mr. Goodman,

The answer you seek is the 21 days of the Rule 11 safe harbor have been waived.

Therefore, there is no need for the delay.

Best,

On 10/18/2023 1:18 PM PDT Jason Goodman <truth@crowdsourcethetruth.org> wrote:

About what? You are required to provide a reason why you object to a request for extension of time. Please provide a reason.

On Oct 18, 2023, at 4:15 PM, Spoliation Notice <spoliation-notice@mailbox.org> wrote:
Have you decided what to do yet?

Best,

On 10/18/2023 8:06 AM PDT Spoliation Notice <spoliation-notice@mailbox.org> wrote:

What it means is that the 21 day safe harbor is hereby waived.

File your Rule 11 with the Court.

Best,

On 10/18/2023 6:18 AM PDT Jason Goodman <truth@crowdsourcethetruth.org> wrote:

This response is understood to be a refusal to consent to the request for an extension of time. Judge Koeltl's individual rules of practice rule I.E.(4) require you to provide a reason for your refusal. What is the reason?

On Oct 18, 2023, at 6:53 AM, Spoliation Notice <spoliation-notice@mailbox.org> wrote:
Please do not forget to send me a copy.

Best,

On 10/17/2023 8:39 PM PDT Jason Goodman <truth@crowdsourcethetruth.org> wrote:

You may anticipate the judge's response at your own peril. Based on your refusal to cooperate, I am caused to believe that you do not intend to cure the identified defects or heed the safe harbor notification of my pending motion for Rule 11 sanctions against you.

On that basis, I intend to file a letter motion with the court seeking an extension of time to respond to your amended complaint so that you may have the advantage of fully utilizing the twenty one days at your disposal before you make a final decision. Should you continue down the unwise path you appear to have selected, and choose not to respond to the safe harbor notification and not to cure the identified defects, I also want the court to have ample time to make its own decision about the sanctions motion before we proceed with unnecessary litigation.

Given your stated commitment to suing me for the rest of your life, any additional time granted by the court should not deny you any rights or weigh against you in any way.

Should the court decide in your favor, this will also allow me ample time to provide an appropriate response to the amended complaint.

If you do not consent to my request for an extension of time to respond, please provide your reason for objecting pursuant to Judge Koeltl's individual rules of practice. I.E.(4).

Jason Goodman

On Oct 17, 2023, at 10:02 PM, Spoliation Notice <spoliation-notice@mailbox.org> wrote:

It will be determined to be moot.

Best,

On 10/17/2023 6:42 PM PDT Jason Goodman <truth@crowdsourcethetruth.org> wrote:

After the 21 days has expired, it will be filed with the court.

On Oct 17, 2023, 10:00 PM, Spoliation Notice <spoliation-notice@mailbox.org> wrote:

On Oct 17, 2023, at 9:39 PM, Spoliation Notice <spoliation-notice@mailbox.org> wrote:

As your document is moot on its face there is no reason to address the material contained therein.

Best,

On 10/17/2023 6:20 PM PDT Jason Goodman <truth@crowdsourcethetruth.org> wrote:

The only thing required is the 21 day notification. Address the points raised in the motion before the time expires or it will be filed with the court.

>> On Oct 17, 2023, at 8:33PM, Spoliation Notice <spoliation-notice@mailbox.org> wrote:

Mr. Goodman,

You must identify offending page numbers and paragraphs, otherwise this is moot.

Best,

On 10/17/2023 7:41 AM PDT Jason Goodman <truth@crowdsourcethetruth.org> wrote:

You have 21 days to rectify the defects in your case. You have been ordered to cease and desist from harassing me. The fact that you sent me this today rather than withdrawing the case is an indication that you have no intention to cure the defects in your defective, malicious case. If this is how you intend to handle the rule 11 motion, you should prepare to be sanctioned. Do not email me ever again. Withdraw the case, cease and desist from all contact or the rule 11 sanctions will be just the first legal penalty you will suffer.

On Oct 17, 2023, at 10:16 AM, Spoliation Notice <spoliation-notice@mailbox.org> wrote:

For your records

On 10/16/2023 8:33 PM PDT Jason Goodman <truth@crowdsourcethetruth.org> wrote:

Mr. Sweigert,

Please see the attached copy of the Notice of Motion for Sanctions, Memorandum in Support, and accompanying exhibits that I intend to file in this matter. Pursuant to Federal Rule of Civil Procedure 11(c) (2), you have 21 days to consider this motion and decide whether to withdraw your Amended Complaint and cease and desist from future vexatious litigation and other harassment. If you do not agree to withdraw your Amended Complaint cease and desist, I will plan to file the sanctions motion pursuant to Rule 11.

Thank you

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